

# MELLIN ROBINSON, P.C.

A T T O R N E Y S A T L A W

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December 9, 2011

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Mr. Corbin R. Davis

Clerk, Michigan Supreme Court

P.O. Box 30052

Lansing, MI 48909

*RE: ADM 2010-22 and MRPC 7.3  
Family Law "Trolling"*

Dear Mr. Davis:

I write this letter to support the proposed Michigan Court Rule amendment ADM 2010-22. The issue addressed by this amendment has been problematic for family law practitioners for many years. Family law practitioners are the first to point out that domestic cases are very different from other civil cases. The clients deal with not only emotional and psychological issues, but also interpersonal relationships, child related concerns and many other distinctions that make family law cases unique from other types of litigation.

There are many situations in which a defendant receiving a solicitation letter can be anywhere from unsettling and uncomfortable, to dangerous. Some circumstances may dictate that a divorce action be filed before the acting spouse informs the other spouse of his or her intention. Clearly, a person in a physically abusive relationship will consult with an attorney to plan every detail of filing and service on their spouse to insure his or her own safety and the safety of the family. In a volatile situation, the defendant's receipt of such a letter can be disastrous.

It is not unusual for a family law case to have facts that warrant the entry of an ex parte order. Often the order is to prevent dissipation of assets or to maintain the financial status quo. Sometimes the reason for the order is to prevent either party from removing the children from the marital home. Family law practitioners make decisions about the preparation of these types of orders based on fears that the client will suffer irreparable harm if the order is not entered prior to the defendant receiving notice of the suit. As a practical matter, the entry (or denial) of said orders can take several days and in some cases weeks. The defendant who is notified of the case by a solicitation letter and who also has a personality that warrants the request for an ex parte order in the first place, is likely to take action upon receipt of the letter that may in fact cause the plaintiff the irreparable harm that was meant to be prevented.

Even a defendant who is aware of his or her spouse's intention to file for divorce may not be prepared to receive a letter in the mail from a stranger who purports to know about that individual's situation. Parties contemplating divorce are often faced with other stressors and as such may be

Mr. Corbin R. Davis  
ADM 2010-22 and MRPC 7.3  
December 9, 2011  
Page 2 of 2

unusually vulnerable. Receipt of such a letter is unnerving and overwhelming as described to me by my clients who have in fact received such letters. Imagine a patient recently diagnosed with a terminal illness receiving a solicitation letter from a physician suggesting that the patient had better "Act Now" or else. . .

Beyond the potential for disaster in a particular case, these solicitation letters reflect poorly on the legal profession as a whole. I have represented clients who have informed me that the defendant received a solicitation letter and both plaintiff and defendant expressed disdain for the practice, often using the term "ambulance chaser".

The number of unfortunate or even dangerous scenarios is infinite because each family law case is unique. As an attorney practicing exclusively family law for 12 years, I support this amendment. This change to the court rule will enable family law attorneys to better assure clients that they are protected at the commencement of a case. At this point, practitioners are relegated to explaining to clients that we will do our best to protect their interests, but until the defendant is served with the ex parte order there is no guarantee that the defendant won't receive a solicitation letter from another attorney which may cause the defendant to take action creating irreparable harm to the client, the client's children or marital assets.

Sincerely,

MELLIN ROBINSON, P.C.

A handwritten signature in blue ink that reads "Kristen L. Robinson". The signature is fluid and cursive, with a large loop at the end of the last name.

Kristen L. Robinson